IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.428 of 2002

Between:

Smt. G. Usha Rani, W/o. Mr. G. Prahalad,
R/o. 19-1-924/A/2, Murlinagar,
Puranapool, Hyderabad- 064.

..... PETITIONER

AND

1 The Principal Secretary, Home Department, Government of Andhra

Pradesh, Secretariat, Hyderabad.
2 The Commissioner of Police, Hyderabad.
3 The Station House Officer, Mirchowk Police Station, Mirchowk,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a order or a direction to the Respondent No.3 declaring his action of daily visits to the residence of the Petitioner and summoning her to the Police Station as illegal, arbitrary, unconstitutional and subsequently direct the Respondent No.3 to stop harassing the petitioner and her family members and to stop summoning her to the Police Station, to stop the daily visits of Police Personnel to her residence under the guise of investigation about her elder son.

Counsel for the Petitioner: MR.D.VIJAY

Counsel for the Respondents: GP FOR HOME

The Court made the following:

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.428 of 2002

ORDER:

The son of the petitioner is accused No.4 in Crime No.123 of 2001 under Sections 457 and 380 of Indian Penal Code, 1860 of P.S.Mirchowk. The petitioner alleges that so as to enquire about the whereabouts of her son, the third respondent is constantly and regularly summoning her to the police station and harassing her and her family members. Therefore, the present writ petition is filed for a direction to the respondents not to harass the petitioner and her family members.

The third respondent filed counter affidavit denying the allegations of harassment. It is sated that one Om Prakash Bansal lodged a complaint with the P.S. alleging that on 13.12.2001 his cash counter was found broke open and the roof of the building was also found broke open. A crime being Crime No.123 of 2001 was registered. The investigation revealed that four accused committed the crime. Three of them were arrested and the stolen amount of Rs.1,28,000/- was recovered from them out of Rs.2,02,000/-. The absconding accused No.4, Santosh Kumar, is the son of the petitioner. Therefore, the respondents visited the house of the petitioner to find the whereabouts of A.4. It is also stated that the police never summoned the petitioner to the police station. The counter affidavit was filed way back on 05.04.2002. No reply affidavit is filed denying the counter averments. In view of the unrebutted counter averments, the case of the petitioner stands disproved.

The writ petition is devoid of merits and is, accordingly, dismissed. No costs.

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(V.V.S.RAO,J)

23.06.2005

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To

1 The Principal Secretary, Home Department, Government of Andhra

Pradesh, Secretariat, Hyderabad.
2 The Commissioner of Police, Hyderabad.
3 The Station House Officer, Mirchowk Police Station, Mirchowk, Hyderabad.

4 Two CCs to the Government Pleader for Home,

High Court Buildings, Hyderabad. (OUT)

5 Two C.D. Copies.